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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after April 14, 2005. Written comments must be received at the Commission offices no later than noon, April 13, 2005.

BACKGROUND/OVERVIEW

Under the electronic filing provisions of the Political Reform Act ("Act"), paper copies of electronically filed disclosure forms can be eliminated once it is determined that the electronic and online systems are operating effectively. (Gov't. Code § 84606.)¹

The Commission and the Office of the Secretary of State jointly sponsored an interested persons' meeting in November of 2004 to solicit input relating to the proposed elimination of paper copies of electronically filed lobbying disclosure reports, possibly beginning with the first quarter reports that are due May 2, 2005. At its January, 2005, meeting, the Commission determined that the online filing system was in place for elimination of paper filings of lobbying activity reports.

One important issue inherent in the elimination of paper filings, however, is the consequences from an enforcement perspective of the lack of a physical signature of the filer in the online filing format. Traditionally, paper forms must be signed by the filer signifying that the filer attests under penalty of perjury to the accuracy and completeness of the information disclosed on the form. When one files lobbying disclosure reports online, however, no such physical signature from the individual filing is present, of course. This issue is addressed in the online scheme in the Act, which states that "[i]t shall be presumed that

online or electronic filers file under penalty of perjury." (§ 84605, subd. (h).) In light of the presumption of subdivision (h) above that any filing is presumed made under penalty of perjury, the Commission will consider a regulation designed to clarify that the use of a third party vendor to make authorized filings does not insulate the filer from the perjury presumption of the statute.

To implement the paperless online filing provisions of the Act, the Commission is considering adopting draft regulation 18465.1 concerning the electronic reports.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18465.1: In light of the presumption of subdivision (h) above that any filing is presumed made under penalty of perjury, regulation 18465.1 would clarify that the use of a third party vendor to make authorized filings does not insulate the filer from the perjury presumption of the statute.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code Sections 81004, 83112, 85309, 85310 and 85500.

CONTACT

Any inquiries should be made to C. Scott Tocher, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

¹ All statutory references are to the Government Code unless specified otherwise.

TITLE 2. OFFICE OF ADMINISTRATIVE LAW

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE OFFICE OF ADMINISTRATIVE LAW

NOTICE IS HEREBY GIVEN that the Office of Administrative Law, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Office of Administrative Law proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment will add the position of Director, rename the Deputy Director/Chief Counsel position as Deputy Director and delete references to eliminated positions to reflect the current organizational structure of the office. Copies of the amended code are available and made be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 25, 2005, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The Office of Administrative Law has prepared a written explanation of the reasons for the proposed amendments and has available information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Office of Administrative Law has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under

Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of Administrative Law must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Linda C. Brown
Deputy Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225
Lbrown@oal.ca.gov

TITLE 2. STATE LANDS COMMISSION

TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 4.5. MARINE INVASIVE SPECIES CONTROL

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend Section 2271 under Article 4.5 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). This section would amend the fee to be paid by vessels calling at California ports (the Fee). The Fee is to be used for the Marine Invasive Species Control Fund (the Fund) under Division 36 of the Public Resources Code (P.R.C.) entitled, "Marine Invasive Species Act," established under Chapter 491, Statutes of 2003 (the Act). The proposed regulation would decrease the Fee from five hundred dollars (\$500) per vessel per voyage to four hundred dollars (\$400) per vessel per voyage if the vessel has traveled outside of California.

Provisions are also included whereunder the Commission's Executive Officer would appoint a technical advisory group (TAG) to provide recommendations with regard to the Fee.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5.00 pm on April 25, 2005. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Livin Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

P.R.C. Section 71207 describes the State program to regulate discharges of ballast water in order to limit the introduction of nonindigenous species. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret or make specific P.R.C. Section 71215.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

P.R.C. Section 71215 created the Fund and requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act. It also mandates that the Fee may not exceed one thousand dollars (\$1,000) per vessel voyage. Under P.R.C. Section 71215(c), the State Board of Equalization shall collect the fee from the owner or operator of each vessel that arrives at a California port of place from a port or place outside California. That fee may not be assessed on any vessel arriving at a California port or place if that vessel comes directly from another California port or place and during that transit has not first arrived at a port or place outside California or moved outside the EEZ prior to arrival at the subsequent California port of place.

Accordingly, the proposed regulation would amend the Fee requirement under P.R.C. Section 71215(b)(1). The Fee is required to fulfill the specific multi-agency tasks mandated by the Act. However, the current Fee amount (\$500 per vessel per voyage) is expected to produce revenues that will exceed the costs of the programs mandated under the act. Section 2271(a) of the CCR would set the exact amount of the fee to be used to support the programs required under the Act at four hundred dollars (\$400) per vessel voyage.

DIFFERENCES FROM FEDERAL REGULATIONS

Recognizing the severity of the problem, the federal government implemented a National ballast water exchange and reporting program in July 1999, but it is voluntary for vessels entering the United States and consists of little more than information gathering at the present time. The Federal monitoring program provides for review of shipboard ballast exchange records and selective ballast water sampling. The Federal program does not contain a mechanism to research alternative methods of ballast water management. The state program established a mandatory, statewide, multi-agency ballast water management and control program. Responsible agencies include the Commission, Department of Fish and Game, State Water Resources Control Board and the Board of Equalization. Each agency is required to work in cooperation with the others in developing reports and conducting research into the extent of current invasions, and potential long-term solutions to the problem of nonindigenous species introductions. All the activities required by the Act are paid for through the Fund.

SMALL BUSINESS DETERMINATION

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342(h), because all affected businesses are commercial maritime transport owners and operators, as specified under Gov. C. Section 11342(h)(2)(H), and having annual gross receipts of more than \$1,500,000, as specified under Gov. C. Section 11342(h)(2)(I)(vii).

ESTIMATED COSTS TO THE STATE

No costs to the State would be incurred in implementing and enforcing these proposed regulations beyond those collected in the Fund. Since the regulation here proposed is limited to amending a fee to pay for programs already mandated by the Act; the regulations will not increase costs to the State. While the various programs mandated under the Act are estimated to cost approximately \$3,109,000 each year until the Act expires under its current terms, all of those programs are mandated by the Act; none can be attributed to the regulatory action here proposed. Under this proposal, the Fee would be set at a level

that is expected to provide revenues equal to costs required to implement the Act. No costs will be incurred by the State in implementing any or all programs mandated by the Act beyond the amounts generated through collection of the Fee.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Part 7 (commencing with section 17500) of Division 4 of the Government Code. None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impact on private persons or directly affected businesses: All vessel owners or operators affected by the proposed amended regulation will be required to pay a fee of four hundred dollars (\$400) per vessel voyage. This will provide a one hundred dollar (\$100) relief per vessel voyage to directly affected businesses.

Creation or elimination of jobs within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of businesses within the State of California.

Expansion of businesses currently doing business within the State of California: The Commission has determined that the proposed regulations would not have a significant impact upon expansion of businesses currently doing business within the State of California.

The Commission has determined that the action will not have a significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no alternative considered by it or that has otherwise been identified and brought to its

attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Maurya Falkner
Environmental Program Manager I
California State Lands Commission
Marine Facilities Division
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-2568

Or to:

Mark A. Meier
Senior Staff Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1853

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Livin Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
Telephone: (562) 499-6400

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the hearing, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Prabhu at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.slc.ca.gov.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3430(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Karnal Bunt Disease Interior Quarantine as an emergency action that was effective on February 2, 2005. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 2, 2005.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 25, 2005.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law provides that the Secretary may establish, maintain and enforce quarantine regulations, as he deems necessary to protect California's agricultural industry and to circumscribe and exterminate or prevent the spread of pests. (Food and Agricultural Code Sections 407, 5301, 5302 and 5322).

Existing Section 3430 provides that an interior quarantine exists against Karnal bunt disease, sets forth the area under quarantine and restricts the movement of hosts and possible carriers of the pathogen from the area under quarantine within California.

Section 3430(b) was amended to reduce, by approximately 17 square miles, a portion of the Palo Verde Valley regulated area in Riverside County. The effect of the proposed action was to remove the authority for the State to regulate the movement of hosts and possible carriers of the Karnal bunt disease pathogen from the areas of this county. There is no existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3430 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3430. No reimbursement is required for Section 3430 under Section 17561 of the Government Code because this amendment removed quarantine requirements by removing portions of the regulated areas from the regulation and, therefore, enforcement is no longer necessary for these areas.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACT ON AFFECTED PRIVATE
PERSON OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed repeal of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3430(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3430(b) to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa.pendingregs).

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture readopted Section 3700 of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on January 21, 2005. The Department proposes to continue the regulation as readopted and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than May 23, 2005.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 25, 2005.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests

(Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

Section 3700, Oak Mortality Disease Control regulation, established control restrictions for this disease, established a regulated area of seven counties, set forth the articles and commodities covered by the regulation, established restrictions on the handling and movement of those articles and commodities, and established an appeal/hearing procedure for use if a movement permit request is denied. The effect of the regulation is to provide authority for the State to regulate movement of hosts and potential carriers of the disease within and from the regulated area to prevent artificial spread of the pest to non-infested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the readoption of Section 3700 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation. Additionally, the 14 affected agricultural commissioners requested that when established as a new host or associated article by a federal order, Section 3700(c) be changed to reflect that.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of readopting the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any new cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department adopted Section 3700 pursuant to the authority vested by Sections 407, 5321, and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department adopted Section 3700 to implement, interpret and make specific Sections 24.5, 5321, and 5322, Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; and Section 1084 et seq., Code of Civil Procedure.

EFFECT ON SMALL BUSINESS

The adoption of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted on its Internet website (www.cdffa.ca.gov/plant/index.html) the information regarding this proposed regulatory action. Select "Proposed Changes in Regulations for Plant Health and Pest Prevention Services" and then section number(s).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULES 1420. DEFINITIONS AND 1615. SCALE OF WEIGHTS FOR AGE AND REPEAL RULES 1616. MINIMUM WEIGHTS TO BE CARRIED AND 1684. ITEMS INCLUDED IN WEIGHT

The California Horse Racing Board (Board) proposes to amend and repeal the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1420, Definitions, and Rule 1615, Scale of Weights For Age, and repeal Rule 1616, Minimum Weights to Be Carried, and Rule 1684, Items Included in Weight. Rule 1420 provides definitions of terms related to horse racing. Rule 1615 sets forth the scale of weights to be carried if the conditions for a race do not specify otherwise. Rule 1616 states the minimum weights to be carried in various types of races. Rule 1684 lists items to be included in a jockey's weight. The proposed amendment to Rule 1420 would delete subsection (aa), which defines "weight for age." The proposed amendment to Rule 1615 would replace the scale of weights for age

with new minimum jockey weights, and introduce minimum body fat content requirements for male and female jockeys. In addition, the proposed amendment requires that all horses carry ten pounds of riding gear from withers to rump, defines riding gear, and requires that the official program announce the jockey's actual weight, the weight of the riding gear, and any additional weight. The proposed amendment to Rule 1615 also provides an optional 24-month period of compliance with body fat requirements for any jockey licensed in the United States before December 31, 2004. Rule 1616 would be repealed due to the new jockey weights proposed under Rule 1615. Rule 1684 would be repealed as the proposed amendment to Rule 1615 defines most of the items in Rule 1684 as "riding gear" rather than items to be included in the jockey's weight. The remaining items in Rule 1684 are not considered riding gear or part of the jockey's weight.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 28, 2005**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 25, 2005**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6041
E-mail: HaroldA@chrb.ca.gov

AUTHORITY AND REFERENCE

Rule 1420: Authority cited: Sections 19440, 19562 and 19563, Business and Professions (B&P) Code. Reference: Sections 19401(e) and 19420, B&P Code.

B&P Code Sections 19440, 19562 and 19563 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19401(e) and 19420, B&P Code.

Rule 1615: Authority cited: Section 19420, B&P Code. Reference: Section 19562, B&P Code.

B&P Code Section 19420 authorizes the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19562, B&P Code.

Rule 1616: Authority cited: Sections 19562 and 19590, B&P Code.

Rule 1684: Authority cited: Sections 19481 and 19562, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business & Professions (B&P) Code Section 19420 provides that jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings is vested in the California Horse Racing Board. B&P Code Section 19440 states that the Board shall have all powers necessary and proper to enable it to adopt rules and regulations for the protection of the public and the control of horse racing. B&P Code Section 19562 provides that the Board may prescribe rules, regulations and conditions, consistent with the provision of this chapter (Chapter 4) under which all horse races with wagering on their results shall be conducted in this State. B&P Code Section 19563 provides that the Board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with this chapter (Chapter 4) for the regulation of harness racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. B&P Code Section 19481 requires the Board to establish safety standards, governing the uniformity and content of the track base and racing surface, inner and outer rails, gates and gaps, turf, access and egress to the track, lighting for night racing, equipment for horse and rider, drainage, communications, veterinary services, medical and ambulance services and other track facilities in order to improve the safety of horses, riders and workers at the race track. B&P Code section 19401(e) states that the intent of Chapter 4 is to provide uniformity of regulation for each type of horse racing.

The Board proposes to amend Rule 1420, Definitions, by deleting subsection 1420(aa), which provides a definition of "weight for age." Weight for age is the standard weight to be carried by a horse according to the scale established by the Board's rules. The proposed amendment to Rule 1615 replaces the scale of weight for age with minimum jockey weights. Adoption of the proposed amendment to Rule 1615 would make subsection 1420(aa) unnecessary.

Rule 1615, Scale of Weights For Age, provides the scale of weights for age to be carried by a horse if the conditions of a race do not specify otherwise. The proposal to amend Rule 1615 would replace the scale of weights for age with minimum jockey weights. Subsection 1615(a) provides that every horse shall carry 10 pounds of riding gear from withers to rump. The subsection also defines "riding gear" by listing the items that are included in the 10 pounds. Riding gear is composed of items that jockeys routinely use when riding in a race. The proposed amendment separates riding gear from the jockey's weight so the public will be more fully informed regarding the weight carried by the horse. Rather than include riding gear in the jockey's weight, as is the current practice, such gear will be a separate, constant weight carried by every horse. In addition, separating riding gear from the weight of the jockey provides a disincentive for riders who may alter critical safety gear to make weight. The temptation to remove the lining of safety vests or helmets will be eliminated.

Subsection 1615(b) requires the official program to include a notice that states in addition to the listed jockey weight, all horses carry 10 pounds of riding gear. The official program must also include any additional weight carried (in cases of underweight and handicap races). (A "handicap race" is a race in which competing horses are assigned weights to carry which, ideally, will equalize their chances of winning.) This will ensure the public is fully informed regarding the weight of the riding gear a horse will carry in a race.

Subsection 1615(c) defines jockey weight. The jockey is weighed nude, as the jockey's clothing is included in the 10 pounds of riding gear, and is a separate weight under subsection (a). Jockey weight also excludes any additional clothing. If a jockey chooses to wear a robe while being weighed, the weight of the robe must be deducted to arrive at the nude weight. Jockey weights are listed in the official program. By listing nude jockey weights racing fans will know the true weight of the jockey. Under subsection 1615(c) the clerk of scales is responsible for weighing the jockey. This is current practice.

Subsection 1615(d) provides the minimum weights for jockeys. For a jockey riding an Arabian or a Thoroughbred horse the minimum weight is 116 pounds. The minimum weight for a jockey riding an Appaloosa, Paint, Quarter Horse or mule is 121 pounds. The minimum weight in handicap races shall be no less than 112 pounds. These weights do not include the ten pounds of riding gear, or any additional weight. The minimum weights represent a compromise between the Jockeys' Guild (Guild) recommendations and the recommendations of racing associations and horsemen's organizations. To arrive at its recommended weights the Guild interviewed

over 200 jockeys nationwide to determine what their weight would be if they did not diet or engage in other activities to make weight. The Guild reported three quarters of the jockeys interviewed indicated 118 pounds would be their normal fit weight. It also recommended a 123-pound minimum for jockeys riding breeds other than Thoroughbred and Arabian horses as such breeds have a traditional 5-pound heavier weight allowance. Other segments of the industry believed the Guild's recommendations would be detrimental to California horse racing, so a compromise was reached that would be acceptable to all parties.

Subsection 1615(e) states nothing in Rule 1615 will affect or alter apprentice allowances. Allowances are weights or other conditions of a race. Apprentice allowances provide for lighter weights to be carried by an apprentice jockey to "even the odds" when racing against more experienced jockeys. In providing for new minimum jockey weights, it was not the intention of the Board to change such apprentice allowances.

Subsection 1615(f) requires that male jockeys maintain a minimum body fat content of not less than five percent, and a female jockey shall maintain a minimum body fat content of not less than ten percent. A jockey will be placed on warning and suspended after three calendar days of the date of the warning if his body fat content measures below one percent of the minimum level. If a jockey's body fat content measures more than one percent below the minimum standard, he shall be disqualified from riding in any race. Body fat measurements will be conducted and recorded by the clerk of scales on each race day. The minimum body fat requirements were proposed by the Guild. The Board, the Guild and the racing industry are concerned with the effects of years of self-abuse many jockeys put themselves through to maintain a low body weight. It is not uncommon for jockeys to sit in sweatboxes for hours at a time, take diuretics, self-induce vomiting, or indulge in any number of unhealthy activities to make weight. As a result, jockeys suffer dehydration, malnutrition and diminished immunity. The jockey community has a high incidence of infection, which is a direct result of its poor nutritional status. The jockey community has ten times the national incidence of chronic kidney failure and five times the overall incidence of upper respiratory tract infections, bronchitis and pneumonia. To arrive at the minimum body fat requirements, the Guild surveyed standards for other professional sports as well as collegiate sports. The range of standards for such sports bodies was between 20 percent and five percent. After determining that the best analogy for professional jockeys was a cross between cyclists and gymnasts, the Guild settled on the requirements of professional cyclist and gymnast bodies wherein none

of their players could perform with a total body fat of less than five percent. Currently, it is not unusual for a jockey to have a total body fat content of less than three percent, and the Board recognizes that despite the new minimum weights, many jockeys will continue to struggle to maintain weight. Under the proposed amendment to Rule 1615 jockeys occasionally may have total body fat measurements below the minimum level. If a jockey's total body fat measures below the minimum level, he will be placed on warning and given three calendar days to reach the minimum level. The Board does not wish to penalize jockeys whose body fat may be below the minimum, but still within an acceptable range. However, body fat below the minimum levels is unhealthy. At certain levels of body fat, the body begins to cannibalize itself. Under subsection 1615(f), a jockey whose total body fat content measures more than one percent below the minimum level shall be disqualified from riding in any race. Disqualification provides incentive for the jockey to gain a healthy rate of body fat, and protects the health and safety of other riders. Subsection 1615(f) requires the clerk of scales to record a jockey's total body fat measurement once each race day. The clerk of scales is the official who weighs jockeys in and out, and is the logical person to measure jockeys' body fat.

Subsection 1615(g) states commencing with the effective date of the regulation, compliance with subsection (f) is optional for 24 months for any jockey licensed in the United States before December 31, 2004. This provision was included to provide a transition period for older jockeys who are used to a system wherein they abuse themselves to maintain low weights. Such jockeys might have problems accepting the new guidelines.

The Board proposes to repeal Rule 1616, Minimum Weights to Be Carried. Rule 1616 provides the minimum weights to be carried in all overnight races for two year olds only, for three year olds only, and for four year olds only and upward. In addition, the rule provides the minimum weights to be carried in all races except handicap and stakes races. The proposed amendment to Rule 1615 provides new minimum jockey weights, which would cause Rule 1616 to be redundant.

The Board proposes to repeal Rule 1684, Items Included in Weight. Rule 1684 lists items included—as well as items not included—in a jockey's weight. Most of these items are defined as "riding gear" under the proposed amendment to Rule 1615; none of the items are considered part of the jockey's weight. This would make Rule 1684 unnecessary.

DISCLOSURE REGARDING
THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1420 and Rule 1615, and the proposed repeal of Rule 1616 and Rule 1684, will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: A one time cost impact of approximately \$100.00 per racing association may be incurred in reasonable compliance with the proposed amendment of Rule 1615. Regarding the proposed amendment of Rule 1420 and the repeal of Rule 1616 and Rule 1684: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1420 and Rule 1615, and the proposed repeal of Rule 1616 and Rule 1684, will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1420 and Rule 1615 and to repeal Rule 1616 and Rule 1648 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1420 provides definitions of horse racing terms, Rule 1615 sets minimum jockey weights; Rules 1616 and 1648 would be redundant.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: HaroldA@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Pat Noble, Regulations Analyst
Telephone: (916) 263-6033
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION.

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed texts of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact persons at the address, phone numbers or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed texts of the regulations, and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Amend Regulations 1005, 1007 and 1008 and
Update the *Training and Testing Specifications for
Peace Officer Basic Courses*

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST) and 13506 (Commission on POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code sections 13503(e)(Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses), 13510 (Commission on POST authority to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 (Commission on POST authority to adopt and amend standards for certain other designated California peace officers).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST Regulations 1005, 1007 and 1008, is used by academies and training presenters to teach and test the POST mandated instruction and testing for basic training courses.

As necessary, POST staff convenes a group of subject matter experts (SMEs) and a Standing Alignment Committee (SAC), composed of Basic Academy Directors and Coordinators, to develop amendments to specific learning domains contained in

the training specification document. The purpose of the amendments is to update the curriculum to reflect emerging training needs, new legislatively mandated subject matter, changes in law, and to resolve any curriculum, testing, and/or evaluation problems. In addition to amending the learning domains for the aforementioned reasons, the SMEs also propose non-substantive changes at the same time to improve clarity and readability of the domains. Once the SMEs and SAC members have agreed on the amendments, the proposed text is forwarded to the Consortium of Basic Academy Directors for approval. As the next level of approval, these amendments are presented to the Commission.

At its January 20, 2005 meeting, the Commission approved proposed amendments to Learning Domains #5: Introduction to Criminal Law, #19: Vehicle Operations, #20: Use of Force, #23: Crimes in Progress, #27: Missing Persons, #33: Arrest and Control/Baton, and #35: Firearms/Chemical Agents. Adoption of these amendments is subject to the notice of proposed regulatory action process.

Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is July 1, 2005.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on April 25, 2005. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability

of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

**TEXT OF PROPOSAL, RULEMAKING FILE,
AND INTERNET ACCESS**

The following information regarding the proposed regulatory action is provided on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2005-05. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is base. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST Internet website at the address cited above.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and

training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to effected private persons than the proposed action.

CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Julie Hemphill, Associate Analyst; she may be reached by telephone at 916.227.0544, or by email at Julie.Hemphill@post.ca.gov.

**TITLE 15. DEPARTMENT OF
THE YOUTH AUTHORITY**

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Department of the Youth Authority (Department) is proposing to adopt Title 15, Division 4, Chapter 1, Article 17, sections 4141 and 4141.1 within the California Code of Regulations regarding the Collection of DNA Specimens, after considering all comments, objections, or recommendations regarding the proposed regulatory action. The Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below in the INFORMATIVE DIGEST or may modify

the proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of the modified proposal will be made available for 15 days prior to its adoption from the Contact Person and will be mailed to those persons who have submitted written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

PUBLIC HEARING

Any interested person may present statements or arguments, orally, or in writing, relevant to the proposed action described in the INFORMATIVE DIGEST at a public hearing to be held:

Date: Monday, April 25, 2005

Time: 9:00 a.m. to 11:00 a.m.

Location: 4241 Williamsborough Drive, Room 206
Sacramento, CA 95823

The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments, including those sent by mail, facsimile, or e-mail must be received by the Department at its office **no later than 5:00 p.m., on April 25, 2005**, or must be received by the Department at the hearing. Submit written comments to:

Kymberly Kaslar, Policy &
Regulations Analyst
Department of the Youth Authority
4241 Williamsborough Drive
Sacramento, CA 95823
Fax: (916) 262-2608
E-mail: Kkaslar@cya.ca.gov

AUTHORITY

Welfare and Institutions Code Section 1712 assigns responsibility to the Department of the Youth Authority to make and enforce all rules appropriate to the proper accomplishment of the functions of the Department.

REFERENCE

This action is proposed to implement, interpret, and/or make specific; Sections 295, 295.1, 296, 296.1, 298, 298.1; Part 1, Title 9, Chapter 6, Articles 1 through 7, Penal Code and Proposition 69, November 2, 2004.

INFORMATIVE DIGEST POLICY STATEMENT OVERVIEW

Existing law, Section 1712 of the Welfare and Institutions Code, assigns responsibility to the Department of the Youth Authority (Department) to make and enforce all rules appropriate to the proper accomplishment of the functions of the Department.

Existing law, stated in Section 295, 295.1, 296, 296.1, 298, 298.1 of the Penal Code (PC), requires that the Department shall obtain deoxyribonucleic acid (DNA) specimens, samples and impressions from wards and parolees in the care and custody of the Department for submission to the Department of Justice (DOJ) DNA and Forensic Identification Database and under Data Bank Act of 1998.

PC Sections 295 and 295.1 identifies the findings and purpose and specifies the Departments responsibility to implement the collections of DNA specimens and impressions sent to the repository located at DOJ.

PC Sections 296 and 296.1 identifies which offender should be subject to collection of DNA specimens, samples and impressions.

PC Section 298 specifies that the DOJ is responsible for providing to the Department the approved DNA collection kit. The DOJ shall provide blood specimen vials, mailing tubes, labels, and instruction for the collection of all blood specimens, saliva samples and impressions. The specimens are then immediately forwarded to the DNA Laboratory of the DOJ. PC Section 298.1 identifies steps to be taken when a ward or parolee refuses or fails to provide specimens and details the punishment to that ward or parolee for the refusal are also identified.

Proposition 69, passed by the People of the State of California, November 2, 2004, specifically requires all wards and parolees under the jurisdiction of the Department after having been convicted of, found guilty of, having pled guilty to or no contest to, or having been found not guilty by reason of insanity for, any felony offense, or whose records indicate a prior conviction for such an offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense, shall provide all of the following required specimens, to be submitted to DOJ as soon as administratively practicable:

- (1) One Buccal Swab or Saliva Sample,
- (2) Two Right Thumb Print Impressions,
- (3) Full Right and Left Full Palm Print Impressions.

This proposed regulatory action will ensure that the Department is in compliance with the passage of Proposition 69. The Department shall collect biological DNA specimens and impressions, such as blood specimens, buccal swab or saliva samples and thumb and palm print impressions, from all wards and

parolees under the jurisdiction of the Department. All wards and parolees shall provide the listed specimens within five working days of arrival at the Department's reception center or intake site. DNA specimens shall also be collected when a ward or parolee is transferred or paroled from another state and accepted into California or when DOJ notifies the Department of an unusable specimen, or if a parolee is returned to custody after any type of release. The DNA specimens shall be collected only by designated medical Departmental personnel and DNA specimens shall be taken in accordance with medical standards. Any ward or parolee who refuses to give any or all of the specimens, samples or impressions, after having received written notice, will be guilty of a separate misdemeanor offense.

Additionally, this regulatory proposal will identify and describe the "use of reasonable force" that an objective, trained and competent correctional employee, will consider necessary, when faced with the refusal by any ward or parolee, to comply with the Departments attempt to obtain the required DNA specimens. Failure by the ward or parolee to comply with the DNA specimen requirements shall be subject to sanctions to the Disciplinary Decision-Making System (DDMS). The refusal is considered misconduct by the ward or parolee and is reportable to the Youth Authority Administrative Committee and Youth Authority Board.

AUTHORITY AND REFERENCE CITATIONS

Authority cited: Sections 295, 295.1, 296, 296.1, 298, 298.1; Part 1, Title 9, Chapter 6, Articles 1 through 7, Penal Code; Section 1712, Welfare and Institutions Code. Reference: Sections 295, 295.1, 296, 296.1, 298, 298.1; Part 1, Title 9, Chapter 6, Articles 1 through 7, Penal Code and Proposition 69, November 2, 2004.

ASSESSMENT STATEMENT

The Department has determined that the proposed regulatory action will not: (1) create nor eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business within the State of California.

EFFECT ON HOUSING COSTS

The Department has initially determined that the proposed regulation will have no effect on housing costs.

LOCAL AND MANDATE/ FISCAL ESTIMATES

This regulation will impose a need for funding to support the DNA Fingerprint, Unsolved Crime and Innocent Protection Act and Proposition 69. The

estimated costs to the Department to implement the expansion of the DNA Database and Databank pursuant to Proposition 69 are \$563,000. The Department has requested a one-time funding for fiscal year 2005/06 of \$433,000 to retroactively collect DNA samples from the Department's wards and parolees, pursuant to Proposition 69. The Department has also requested \$92,000 in one-time funding to make necessary changes to the current Offender Based Information Tracking System and Parole's Field Information System (FIS) modification. Additionally, this proposal requests \$38,000 in ongoing funding beginning July 1, 2006, for continuing clinic operations associated with implementation of Proposition 69. Our proposed Regulations will not mandate local governments to do anything.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRING REIMBURSEMENT

None

COSTS/SAVINGS TO STATE AGENCIES

None

COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

None

OTHER NONDISCRETIONARY COSTS OR SAVINGS IMPOSED UPON LOCAL AGENCIES

None

IMPACT ON BUSINESSES

The Department has made an initial determination that the adoption of the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because the proposed regulations ensures that the Department is in compliance with Proposition 69, and the collection of DNA specimens from wards or parolees under the care and jurisdiction of the Department and this has no affect on California businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The proposed regulatory action will have no affect on small businesses because the proposed regulations pertain to the Departments compliance with Proposi-

tion 69 and it's collection of DNA specimens from wards or parolees under the care and jurisdiction of the Department.

OTHER MATTERS PRESCRIBED

There are no other matters prescribed by statute that are applicable to the Department or to any specific regulations or class of regulations pursuant to 11346.5(a)(4) of the Government Code pertaining to the proposed regulations of the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternatives considered by the Department, or that have otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice. Any interested person may present statements or arguments in writing relevant to the above determinations on or before the close of the written comment period.

INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

An Initial Statement of Reasons has been prepared and a copy is available upon request from the Contact person named in this notice. A copy of the proposed regulations are available from the Contact person.

RULEMAKING FILE

All the information upon which the proposal is based is contained in the rulemaking file, which is available to the public. Requests for copies, location, or inspection of the rulemaking file should be directed to the Contact Person.

FINAL STATEMENT OF REASONS/WEBSITE ACCESS

A copy of the Final Statement of Reason may be obtained from the Contact Person once it has been prepared and made available. All documents pertaining to the regulatory action can also be accessed on the Department's website at: www.cya.ca.gov.

CONTACT PERSONS

Inquiries and requests for copies or information concerning the action described in this notice may be directed to the Department's contact person, Kymberly Kaslar at (916) 262-1390 or Major Daryl Ballard at (916) 262-1542. If an inquiry is received that the contact person cannot answer, the contact person will refer the inquiry to another person in the Department for a prompt response.

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the **Board of Vocational Nursing and Psychiatric Technicians** (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Department of Consumer Affairs, Hearing Room, Room 100, 400 R Street, Sacramento, CA 95814 at 9:00 A.M., on Tuesday, May 3, 2005.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M. on Monday, May 2, 2005, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2854 and 4504 of the Business and Professions (B&P) Code; and 6253.4 and 6254 of the Government Code; and to implement, interpret or make specific sections 2875, 2876, 2878, 2878.1, 2878.5, 4520, 4521, and 4521.2 of the B&P Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to B&P section 2854 (Vocational Nursing); and B&P Code section 4504 (Psychiatric Technicians), the Board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry out the provisions of these chapters.

1. Vocational Nursing Regulations Consumer Complaint Disclosure—Adopt Section 2524.1.

The Public Records Act (California Government Code Section 6250 et seq.), provides the public a distinct right to access information in the government's possession. However, unconditional access is not authorized. Specific information pertaining to

complaints and relevant investigations alleging misconduct by licensees are exempt from disclosure.

The proposed regulations set forth specific language relative to the disclosure of information regarding complaints involving licensed vocational nurses. The proposed language incorporates the Board's "*Consumer Complaint Disclosure Policy*" in regulations.

2. Psychiatric Technician Regulations
Consumer Complaint Disclosure—Adopt
Section 2579.11.

The Public Records Act (California Government Code Section 6250 et seq.), provides the public a distinct right to access information in the government's possession. However, unconditional access is not authorized. Specific information pertaining to complaints and relevant investigations alleging misconduct by licensees are exempt from disclosure.

The proposed regulations set forth specific language relative to the disclosure of information regarding consumer complaints involving psychiatric technicians. The proposed language incorporates the Board's "*Consumer Complaint Disclosure Policy*" in regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective and less burdensome to affected private persons than the proposal described in this Notice.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

**AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Angela Hole, Administrative Assistant
Address: 2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
Telephone No.: (916) 263-7848
Fax No.: (916) 263-7859
E-Mail Address: Angela_Hole@dca.ca.gov

The backup contact person is:

Name: Cheryl Anderson, Nursing
Education Consultant
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No.: (916) 263-7839
Fax No.: (916) 263-7859
E-Mail Address: Cheryl_Anderson@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the **Board of Vocational Nursing and Psychiatric Technicians** (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Department of Consumer Affairs, Hearing Room, Room 100, 400 R Street, Sacramento, CA 95814 at 9:00 A.M. on Tuesday, May 3, 2005.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M. on Monday, May 2, 2005, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 125.9, 148, 2854, and 4504 of the Business and Professions (B&P) Code, and to implement, interpret or make specific sections 101.6, 108, 2859, 2875, 2876, 2878, 2878.1, 2878.5, 4502, 4503, 4517, 4520, 4521, and 4521.2 of said Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to B&P Code section 2854 (Vocational Nursing); and B&P Code section 4504 (Psychiatric Technicians), the Board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry out the provisions of these chapters.

1. Vocational Nursing Regulations

Mandatory Reporting—Adopt Sections 2520.4 and 2520.5; Amend Sections 2518.6, 2523, 2523.2, 2523.4, 2523.5, and 2523.6; and Repeal Section 2523.1.

New legislation set forth in Chapter 640, Statutes of 2003 (SB 358, Figueroa), establishes mandatory reporting requirements for licensed vocational nurses (LVNs) and their employers effective January 1, 2004. This proposal will implement and make specific those requirements.

Additionally, pursuant to new statutory requirements set forth in Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003), the proposed regulatory language increases the amount of civil penalty that may be assessed for licensed vocational nurses under specified circumstances.

2. Psychiatric Technician Regulations

Mandatory Reporting—Adopt Sections 2577.5 and 2577.6; Amend Sections 2576.6, 2579.2, 2579.4, 2579.6, 2579.7, and 2579.8; and Repeal Section 2579.3.

New legislation set forth in Chapter 640, Statutes of 2003 (SB 358, Figueroa), establishes mandatory reporting requirements for licensed psychiatric technicians (PTs) and their employers effective January 1, 2004. This proposal will implement and make specific those requirements.

Additionally, pursuant to new statutory requirements set forth in Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003), the proposed regulatory language increases the amount of civil penalty that may be assessed for psychiatric technicians under specified circumstances.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: It is anticipated that there will be additional expenditures of approximately \$726,000 in the 2006/07 State Fiscal Year (\$613,000 Vocational Nursing Program; \$113,000 Psychiatric Technician Program) and \$1,244,000 in the 2007/08 State Fiscal Year (\$1,095,000 Vocational Nursing Program; \$149,000 Psychiatric Technician Program).

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Angela Hole, Administrative Assistant

Address: 2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833

Telephone No.: (916) 263-7848

Fax No.: (916) 263-7859

E-Mail Address: Angela_Hole@dca.ca.gov

The backup contact person is:

Name: Cheryl Anderson, Nursing Education Consultant

Address: 2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833

Telephone No.: (916) 263-7839

Fax No.: (916) 263-7859

E-Mail Address: Cheryl_Anderson@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 25, 2005. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and

will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code Section 2531.95, and 2538.1(a) and (b) and to implement, interpret or make specific Sections 2538, 2538.1(b), and 2538.3 of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech-Language Pathology and Audiology Board ("Board") is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology Licensure Act. Effective January 1998, Article 7.5 was added to Chapter 5.3 of the Code authorizing the Board to establish regulations that set forth the standards and requirements for the registration of speech-language pathology assistants. Section 2538.3(a) of the Code establishes the speech-language pathology assistant academic and training requirements as graduation from a board-approved speech-language pathology assistant associate of arts degree program or equivalent course of study. The Section further defines the equivalent course of study and provides that successful completion of a board-approved bachelor's degree program in speech-language pathology or communication disorders shall be deemed equivalent.

The proposed amendments of Section 1399.170.11 deletes language that does not appropriately reflect the provision in the statute, Section 2538.3(a), regarding the demonstrated course work equivalent of the bachelor's degree and will provide for an equivalent clinical field work experience completed in board-approved speech-language pathology bachelor's degree programs.

Section 1399.170.1. Deletes the requirement for individuals who hold bachelor's degrees in speech-language pathology or communication disorders from board-approved institutions from having to obtain additional coursework as prescribed in the American Speech-Language-Hearing Association's Speech-Language Pathology Assistant Suggested Competencies in order to meet the course work requirements for registration as a speech-language pathology assistant. The regulation does not accurately reflect the equivalency provisions contained in Section 2538.3(a) of the Code.

Amends the section to include an equivalency provision for the speech-language pathology assistant required field work experience which specifies that,

individuals who hold the prescribed bachelor's degree and have completed the equivalent field work training or clinical hours in the bachelor's degree training program, and have verified such through a board-approved speech-language pathology assistant training program, shall be deemed to have completed the speech-language pathology assistant academic and training requirements.

Provides an avenue for bachelor degree applicants to appeal to the Board for reconsideration of a denial for verification of equivalency as determined by the speech-language pathology assistant program representative.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses as it makes minor changes to the academic requirements for paraprofessionals to register in the state.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the

purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Speech-Language Pathology and Audiology Board at 1422 Howe Avenue, Suite 3, Sacramento, CA 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Candace Raney, Board Analyst
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: Candace_Raney@dca.ca.gov

The backup contact person is:

Name: Annemarie Del Mugnaio,
Executive Officer
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: Annemarie_DelMugnaio@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.slpab.ca.gov.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARD FOR OZONE

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to regulations for the state ambient air quality standard for ozone.

DATE: April 28, 2005
TIME: 9:00 a.m.
PLACE: California Environmental
Protection Agency
Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, CA 91731

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., April 28, 2005, and may continue at 8:30 a.m., April 29, 2005. This item may not be considered until April 29, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before April 28, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to Title 17, California Code of Regulations (CCR), sections 70100, 70100.1, and 70200. Incorporated by reference: Air Monitoring Quality Assurance Manual, Volume IV: Monitoring Methods for the State Ambient Air Quality Standards.

Background: Section 39606(a)(2) of the Health and Safety Code requires the ARB to adopt ambient air quality standards in consideration of the public health, safety, and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, visibility interference and the effects of air pollution on the economy. Ambient air quality standards, as defined in section 39014 of the Health and Safety Code, reflect the relationship between the composition and intensity of air pollution to undesirable effects, and essentially define clean air. Ambient standards relating to health effects, including the ozone standard,

are to be based upon the recommendations of the Office of Environmental Health Hazard Assessment (OEHHA). Existing section 70100 of 17 CCR consists of definitions pertaining to ambient air quality standards; existing section 70100.1 references California approved methods, samplers, and instruments for measuring and determining compliance with the standards; and existing section 70200 sets forth the table of standards. The proposed amendments would modify the parts of those sections pertaining to ozone.

Section 39606(d) of the Health and Safety Code (Children's Environmental Health Protection Act (SB25, Escutia; Stats 1999 ch. 731, sec. 53)) required the ARB, in consultation with the OEHHA, to review all California health-based ambient air quality standards to determine if they are adequate to protect public health, including infants and children. At its December 7, 2000 meeting, the Board approved a report, "Adequacy of California Ambient Air Quality Standards: Children's Environmental Health Protection Act" (Adequacy Report), prepared by ARB and OEHHA staffs, which concluded that health effects may occur in infants and children and other potentially susceptible subgroups exposed to several criteria air pollutants at or near levels corresponding to the current standards. "Criteria air pollutants" are defined as air pollutants for which acceptable levels of exposure can be determined and for which ambient air quality standards have been set. The Adequacy Report identified the standard for ozone as having a high priority for further detailed review and possible revision. The current ambient air quality standard for ozone is 0.09 ppm, averaged over 1 hour.

In response to the Adequacy Report's findings and the Board's direction, ARB and OEHHA staffs began an exhaustive review and evaluation of the scientific literature regarding the impacts of ozone air pollution on public health. The body of evidence reviewed demonstrated significant associations between health effects and ozone. The health effects from exposure to 0.12 parts per million (ppm) ozone for one hour, and to 0.08 ppm ozone for 6.6 hours, can be significant and include lung function decrements and symptoms of respiratory irritation such as cough, wheeze, and pain upon deep inspiration, as well as airway hyper-reactivity and inflammation. Furthermore, animal toxicological studies have shown that chronic ozone exposure can induce tissue changes throughout the respiratory tract. Epidemiological studies have shown positive associations between ozone levels and decreased lung function, increased respiratory symptoms, hospitalization for cardiopulmonary causes, emergency room visits for asthma, and premature death. Welfare effects include yield loss in important crops and predicted economic loss to growers and consumers, and also injury and damage to forest trees.

Section 39606(d)(2) of the Health and Safety Code requires that ambient air quality standards be "established at levels that adequately protect the health of the public, including infants and children, with an adequate margin of safety." The staffs' review of the literature determined that there are compelling reasons to be concerned about significant adverse health effects associated with ozone exposure, that the 1-hour standard alone is not sufficiently protective, and that a multi-hour standard is also needed. Further, aligning the State's ozone measurement methods with federal methods would allow the same ozone measurement data to be acceptable to both state and federal air quality agencies.

A draft Staff Report containing staff's preliminary findings was released to the public on June 21, 2004, titled "Review of California Ambient Air Quality Standard for Ozone". The draft Staff Report, including staff recommendations for establishing a new 8-hour-average standard for ozone, underwent scientific peer review by the Air Quality Advisory Committee (AQAC), an external peer review committee established in accordance with section 57004 of the Health and Safety Code and appointed by the President of the University of California. The AQAC held a public meeting on January 11 and 12, 2005, discussed their review of the draft Staff Report and the draft recommendations, and provided comments for improving the draft Staff Report to the ARB staff. Final AQAC findings were sent on February 24, 2005. The Staff Report was revised in response to comments received from the AQAC and the public. The final Staff Report (Initial Statement of Reasons for the proposed regulatory action), which will be released on March 11, 2005, includes the following staff proposal for revising the state ambient air quality standard for ozone.

Staff Proposal: Based on a review of the scientific evidence on ozone health effects and the recommendations of the OEHHA, ARB staff proposes the following revisions be made to the California ambient air quality standard for ozone:

1. Ozone will continue to be the pollutant addressed by the standard.
2. Ozone 1-hour-average standard—retain the current 1-hour-average standard for ozone at **0.09 ppm, not to be exceeded.**
3. Ozone 8-hour-average standard—establish a new 8-hour-average standard for ozone at **0.070 ppm, not to be exceeded.** Three decimal places are included in order to ensure that the standard will provide an adequate margin of safety.
4. Monitoring Methods—retain the current monitoring method for ozone, which uses the ultraviolet (UV) photometry method, for determining compli-

ance with the state ambient air quality standard for ozone. Incorporate by reference all federally approved UV methods for ozone as California approved methods, samplers, and instruments. This will result in no change in air monitoring practices, but will align state monitoring requirements with federal requirements.

Proposed Changes to Title 17, California Code of Regulations (CCR): To effectuate the above recommendations, ARB staff proposes that the following revisions be made to sections 70100, 70100.1, and 70200.

1. Amend section 70100 (Definitions) by deleting subsection (g) "Oxidant" as not relevant, and by re-alphabetizing the following subsections accordingly.
2. Amend section 70100.1 (Methods, Samplers, and Instruments for Measuring Pollutants) by adding a new subsection (c), "Ozone Methods"; and by incorporating "California Approved Samplers" by reference for PM10, PM2.5, and ozone.
3. Amend section 70200 (Table of Standards) by adding provisions for an 8-hour ozone standard, by updating the description of the relevant effects of exposure, and by specifying the use of "California Approved Samplers".

Once the ARB adopts ambient air quality standards that specify a level for clean air, a second phase of regulatory activity will occur as the ARB and the air pollution control and air quality management districts (Districts) develop, propose, and adopt emission standards and other control measures that will apply to specific source categories of ozone precursors. The adoption of control measures designed to attain the ambient standards is a separate process conducted in accordance with the public notice and comment rulemaking procedures set forth in the Health and Safety Code and other laws. The ARB is not proposing any control requirements at this hearing.

COMPARABLE FEDERAL REGULATIONS

Sections 108 and 109 of the federal Clean Air Act (42 USC section 7401 *et seq.*) govern the establishment, review, and revision of national ambient air quality Standards (NAAQS). Pursuant to these provisions, the federal Environmental Protection Agency (US EPA) promulgated two ambient standards for ozone. For an 8-hour exposure period, the standard is 0.08 ppm; to attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm. For a 1-hour exposure period, the NAAQS is 0.12 ppm; the NAAQS is attained when the expected number of days per calendar year with maximum hourly average

concentrations above 0.12 ppm is less than or equal to 1. However, the US EPA has revoked the 1-hour NAAQS, to be effective June 15, 2005.

Federal methods for measuring ambient concentrations of specified air pollutants have been designated as "reference methods" or "equivalent methods" in accordance with Title 40, Part 53, of the Code of Federal Regulations (40 CFR Part 53), and may be found at the EPA website: <<http://epa.gov/ttn/amtic/files/ambient/criteria/ref804.pdf>>. Staff recommends the adoption of these methods for ozone as the monitoring methods and samplers for California.

Section 39606(d)(2) of the Health and Safety Code specifies that "standards shall be established at levels that adequately protect the health of the public, including infants and children, with an adequate margin of safety." Because federal standards were not established in consideration of this specification, separate state standards may be needed.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a four-volume Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Review of the California Ambient Air Quality Standard for Ozone. Volume I contains the executive summary, an overview, the staff recommendations, and Appendix A, which sets forth the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations. Volume II contains non-health topics, such as chemistry, background levels, emission of precursors, monitoring methods, exposure, and welfare effects of ozone air pollution. These topics provide a context for the health review, which is in Volume III. Volume IV contains the remaining appendices. Copies of Volume I or the complete ISOR may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing April 28, 2005.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Richard Bode, Chief, Health and

Exposure Assessment Branch, (916) 323-8413, or Dr. Linda Smith, Manager, Health and Ecosystems Assessment Section, (916) 327-8225.

Further, the agency representative and designated back-up contact persons to who nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/ozone05/ozone05.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business

within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because ambient air quality standards simply define clean air (see sections 39606 and 39014 of the Health and Safety Code). Once ambient standards are adopted by the ARB, local air pollution control or air quality management districts and the Board develop rules and regulations to control air emissions from numerous source categories in order to attain the health-based ambient air quality standards. A number of different emission standards and control measures are possible, and each will have its own economic or fiscal impact. These impacts must be evaluated when each control measure is proposed. Any economic or fiscal impacts associated with the imposition of future measures will be considered by the adopting regulatory agency in a public forum when specific measures are proposed.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than 12:00 noon, April 27, 2005, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to:

ozone05@listserv.arb.ca.gov

and received at the ARB no later than 12:00 noon, April 27, 2005.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon April 27, 2005.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment.

The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, and 39606. This action is proposed to interpret, implement, and make specific Health and Safety Code sections 39014, 39602, 39606, 39701, and 39703(f); and *Western Oil and Gas Association v. Air Resources Board* (1984) 37 Cal.3d 502.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 21. DEPARTMENT OF TRANSPORTATION

CONTRACTOR DEBARMENT

NOTICE OF PROPOSED RULEMAKING

The State of California Department of Transportation ("Department") proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m., on April 29, 2005. The Department will consider only comments received at the Department by that time. Submit comments to:

Mr. Thomas C. Fellenz
Department of Transportation
Legal Division
1120 N Street, MS-57
P. O. Box 1438
Sacramento, CA 95812-1438

AUTHORITY AND REFERENCE

Government Code section 14105 authorizes the Department to adopt the proposed regulations, which would implement, interpret, or make specific section 14105 of the Government Code. Authority cited: Section 14105, Government Code.

Reference: Section 1101 Public Contract Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to add Chapter 22, and adopt sections 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618 and 2619 in title 21, Division 2 of the California Code of Regulations (CCR). These sections concern the proceedings for the debarment of any contractor or service provider who willfully conceals, alters, misrepresents, or distorts, or attempts to conceal, alter, misrepresent, or distort the findings of any laboratory or subcontractor that provides quality control inspection and testing services to the contractor.

Government Code section 14105(g) provides that whenever any person, firm, corporation, partnership, or association performing quality control inspection and testing services on a public work contract, pursuant to section 1101 of the Public Contract Code, and is under the jurisdiction of the Department, is found by the Department to have willfully concealed, altered, misrepresented, or distorted, or attempted to conceal, alter, misrepresent, or distort the findings of any laboratory or subcontractor that provides quality control inspection and testing services to the contractor, the Department shall order for a period of not less than one year and not more than three years that the person or entity refrain from doing any of the following within the Department's jurisdiction:

- (A) Bid on a public work contract.
- (B) Work on a public work contract.
- (C) Be awarded a public work contract.

Government Code section 14105(g) also states that any determination by the Department to debar a person shall be made after a full investigation by the Department and a fair and impartial hearing with reasonable notice.

Finally, Government Code section 14105(g) authorizes the Department to promulgate rules and regulations for the administration and enforcement of Government Code section 14105 and to provide for the definition of terms contained therein.

Chapter 22 will set forth the procedure to be followed by the Department for noticing and conducting a debarment hearing.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial disclosures:

Mandate on local agencies and school districts: None.

Cost or savings to any State agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

Significant, Statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations do not affect small business since the regulations do not change whether a small business is legally required to comply with the regulation or is legally required to enforce the regulation or derives a benefit from the regulation or incurs a detriment from the enforcement of the regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Thomas C. Fellenz, Attorney
State of California Department of Transportation
Legal Division, MS-57
1120 N Street
Sacramento, CA 95814
Telephone: (916) 654-2630

The backup contact person for these inquiries is:

Larry Rouen
State of California Department of Transportation
5900 Folsom Blvd., MS-5
Sacramento, CA 95816
Telephone: (916) 227-5704

Questions on the substance of the proposed regulations may be directed to either Mr. Fellenz or Mr. Rouen.

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Fellenz at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Tom Fellenz at the address and phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as de-

scribed in this notice. If the Department makes modifications which are sufficiently related to the proposed text, it will make the modified text (available with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tom Fellenz at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Thomas C. Fellenz at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be assessed through our website at www.dot.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PROPOSED SETTLEMENT 450 EAST GRAND AVENUE SITE

In accordance with Health and Safety Code sections 25100 et seq. (the Hazardous Waste Control Act), 25300 et seq. (the Hazardous Substance Account Act), 58009 and 58010, the Department of Toxic Substances Control (DTSC) has the authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective purchasers and certain long-term lessees of environmentally impacted properties, if such agreements are sufficiently in the public interest.

Notice is hereby given that DTSC proposes to enter into an Agreement and Covenant Not to Sue, also known as a Prospective Purchaser Agreement (PPA) associated with the former O'Brien paint manufacturing facility located at 450 East Grand Avenue Site. The PPA would resolve certain potential claims of DTSC against the company that is the prospective long-term lessee and potential prospective purchaser of the Site. The prospective long-term lessee, Genentech, Inc., plans to commence the long-term leasing of property and occupancy of buildings under construction and to be constructed at the 27-acre Site located at

450 East Grand Avenue, South San Francisco, San Mateo County (Assessor's Parcel Numbers 015-102-270, 015-101-090, and 015-102-280), a.k.a. "450 East Grand Avenue Site" or "Britannia East Grand property." Genentech may also purchase the property at the conclusion of the lease term. The PPA would resolve potential claims by DTSC against Genentech as the long-term lessee and potential purchaser of the Site.

Corrective action to address releases of hazardous wastes and hazardous constituents at the Site has been conducted by previous and current owners of the Site under oversight of the U.S. Environmental Protection Agency and DTSC. The Site is currently subject to a recorded Land Use Covenant and Deed Restriction approved by DTSC. The present property owner will enter into an Operation and Maintenance Agreement with DTSC following the completion of the final remedy for groundwater and the completion of any required construction of the final soil-related remedies for the Site (including the installation of the cap concurrent with the construction of the buildings covered by the site plan). The prospective long-term lessee/potential purchaser agrees to cooperate fully with DTSC in its oversight of the environmental investigation and implementation of response actions at the Site by a past and the present Site owners, and agrees to comply with the land use controls and to refrain from interference with the maintenance of the final remedy at the Site by the present property owner.

This agreement is in the public interest because:

- 1) The beneficial reuse of the Site will allow the potential employment in South San Francisco of an additional 1,800 to 2,000 highly compensated biopharmaceutical industry employees.
- 2) The additional employment allowed by the development will generate an increase of approximately \$4.5 million in additional property and payroll taxes per year.
- 3) The development will infuse into the local economy millions of dollars for the construction of the tenant improvements alone, which will also result in substantial additional sale and use tax receipts.
- 4) The facility expansion created by the development will permit Genentech to move forward with additional plans for research, development, and commercialization of new oncology and other new biopharmaceutical drugs.

DTSC is holding a 30-day comment period on this Agreement. Written comments on this proposed settlement must be submitted on or before 5:00 pm, April 12, 2005. To insure timely receipt by DTSC and

Genentech, you are requested to transmit your comments by facsimile or by overnight mail to the following simultaneously.

Wei-Wei Chui, Section Chief
Standardized Permitting and Corrective
Action Branch
Department of Toxic Substances Control
700 Heinz Avenue, Berkeley, CA 94710
Phone: (510) 540-3975
Fax: (510) 540-3937
e-mail: wchui@dtsc.ca.gov

Gary P. Van Housen, Esq.
Corporate Counsel
Genentech, Inc.
Legal Department MS-49
1 DNA Way
South San Francisco, CA 94080-4990
Phone: (650) 467-1902
Fax: (650) 952-9881

If you have any questions regarding the Prospective Purchaser Agreement, or wish a copy, please call the DTSC contact identified above.

DECISION NOT TO PROCEED

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Vocational Nursing and Psychiatric Technicians has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on February 18, 2005, OAL File # Z-05-0208-06, concerning Title 16, Vocational Nursing Rules and Regulations, section 2524.1 and Psychiatric Technician Rules and Regulations, section 2579.11.

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Vocational Nursing and Psychiatric Technicians has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on February 18, 2005, OAL File # Z-05-0208-07, concerning Title 16, Vocational Nursing Rules and Regulations, sections 2520.4, 2520.5, 2518.6, 2523, 2523.1, 2523.2, 2523.4, 2523.5, and 2523.6; and

Psychiatric Technician Rules and Regulations, sections 2577.5, 2577.6, 2576.6, 2579.2, 2579.3, 2579.4, 2579.6, 2579.7, and 2579.8.

PRECEDENTIAL DECISION INDEX

DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF AVAILABILITY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS' INDEX OF SIGNIFICANT LEGAL AND POLICY DETERMINATIONS CONTAINED IN ITS PUBLIC WORKS COVERAGE PRECEDENTIAL DECISIONS

Cal. Code Regs., Title 2 § 619.7
Gov. Code § 11425.60(c)

PLEASE TAKE NOTICE that the Department of Industrial Relations' Index of Significant Legal and Policy Determinations Contained in its Public Works Coverage Precedential Decisions is available for purchase or you may view them at the Division of Labor Statistics & Research home page at:
http://www.dir.ca.gov/DLSR/Statistics_research.html

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief
Division of Labor Statistics & Research
Department of Industrial Relations
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Phone No.: (415) 703-4870
Fax No.: (415) 703-4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60(c).

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law,

300 Capitol Mall, Suite 1250, Sacramento, CA
95814-4339; (916) 323-6225; FAX (916) 323-6826.
Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code Sec. 11349.3)
OAL File No. 05-0107-04 S**

DECISION OF DISAPPROVAL

In re:

AGENCY: AIR RESOURCES BOARD

ACTION: Amend Sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464 and 2565 and Repeal Section 2466 of Title 13 of the California Code of Regulations

BACKGROUND

The Air Resources Board proposed amendment and repeal of the above-captioned regulations in order to update its rules for the Portable Equipment Registration Program ("PERP"). On January 7, 2005, these changes were submitted to OAL for review, and on February 18, OAL disapproved the proposed changes. This Decision of Disapproval explains the reasons for OAL's action.

Date: February 25, 2005

DAVID POTTER
Senior Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Catherine Witherspoon, Executive Office
cc: George Poppic, Senior Staff Counsel

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code Sec. 11349.6),
Pen. Code Sec. 5058.3)
OAL File No. 05-0201-01EON**

**DECISION REGARDING DISAPPROVAL
OF A RULEMAKING ACTION**

In re:

AGENCY: DEPARTMENT OF CORRECTIONS

RULEMAKING ACTION: Adopt sections 3480.1, 3484, 3485; Amend sections 3480, 3481, 3482, and 3483 of title 15 of the California Code of Regulations

SUMMARY OF RULEMAKING ACTION

This operational necessity emergency rulemaking action revises existing regulations that implement the Prison Inmate Labor Initiative of 1990, approved as Proposition 139. The changes regulate the manner in which the Department of Corrections is to monitor the requirements of the proposition regarding comparable wage rates for joint venture programs, as required by the stipulated injunction in *Ervin, et al. v. State of California, et al.* Superior Court of San Diego County, No. GIC 740832. The action also makes other changes to the regulations unrelated to the injunction regarding joint venture employer selection criteria, joint venture leasing requirements, joint venture contract requirements, and inmate participation.

Date: February 25, 2005

MICHAEL McNAMER
Senior Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Jeanne Woodford, Director
cc: Gloria Smith

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

DENTAL BOARD OF CALIFORNIA
Infection Control Guidelines

This regulatory action revises the minimum standards for infection control required of licensees of the Dental Board of California.

Title 16
California Code of Regulations
AMEND: 1005
Filed 03/01/05
Effective 03/31/05
Agency Contact: Linda Madden (916) 263-2300

DEPARTMENT OF CORRECTIONS
PBSP Management of Indecent Exposure Incidents
Pilot Program

This regulatory action implements a pilot program to manage indecent exposure incidents. This file is exempt from OAL review pursuant to Penal Code 5058.1.

Title 15
California Code of Regulations
ADOPT: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11
Filed 03/01/05
Effective 03/01/05
Agency Contact:
Ann Cunningham (916) 322-9702

DEPARTMENT OF FOOD AND AGRICULTURE
Equine Medication Monitoring Program

The Department of Food and Agriculture is amending section 1280.2, title 3, California Code of Regulations pertaining to the fees that funds the Equine Medication Monitoring Program of the Department of Food and Agriculture's Animal Health Branch which does the random drug testing. In File No. 04-0903-01S subsection (b) was added to allow for the fee to be raised from \$3 to \$5 effective January 1, 2005. The instant filing is removing the language in subsection (a) pertaining to the \$3 fee, and making some minor editorial corrections.

Title 3
California Code of Regulations
AMEND: 1280.2
Filed 02/24/05
Effective 03/26/05
Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF FOOD AND AGRICULTURE
Movement of Swine

This proposed regulatory action deals with interstate and intrastate movement of swine.

Title 3
California Code of Regulations
ADOPT: 796, 796.1, 796.2, 796.3, 796.4, 796.5, 796.6, 796.7, 796.8, 796.9 AMEND: Article 8 heading REPEAL: 795.10, 795.13, 795.14, 795.16, 795.17, 795.19, 795.30, 795.32, 795.33, 795.50
Filed 03/01/05
Effective 03/31/05
Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This emergency regulatory action will remove approximately 116 square miles of area surrounding the Santa Ana area of Orange County from the area of quarantine for Oriental fruit fly.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 02/23/05
Effective 02/23/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease Interior Quarantine

This is the certification of compliance for an emergency action taken in September, 2004, that added 16 square miles of land in southeastern Riverside County to the 91 square mile area previously quarantined for the purpose of preventing the spread of Karnal bunt disease in wheat.

Title 3
California Code of Regulations
AMEND: 3430(b)
Filed 02/28/05
Effective 02/28/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
Workers' Compensation Pure Premium Advisory Rates

This action updates the Uniform Statistical Plan, the Experience Rating Plan, and miscellaneous requirements for recording data and reporting it to the Workers Compensation Insurance Rating Bureau.

Title 10
California Code of Regulations
AMEND: 2318.6, 2353.1, 2354
Filed 03/02/05
Effective 01/01/05
Agency Contact: Larry C. White (415) 538-4423

DEPARTMENT OF TRANSPORTATION
Outdoor Advertising

This action without regulatory effect corrects a date adopted in error.

Title 4
California Code of Regulations
AMEND: 2424
Filed 02/28/05
Effective 03/30/05
Agency Contact: James Arbis (916) 654-6413

DIVISION OF WORKERS COMPENSATION
Medical Provider Networks

This is the emergency re-adoption of Article 3.5 implementing 2004 legislation that authorizes an employer to contract with a medical provider network for the provision of medical treatment to injured employees, by defining terms, creating a process of applying for and receiving Division approval of such

networks, and setting standards for care, review and appeal of decisions made in connection with the provision of such care.

Title 8
California Code of Regulations
ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14
Filed 02/28/05
Effective 03/01/05
Agency Contact:
Destie Overpeck (415) 703-4659

FISH AND GAME COMMISSION
Threatened and Endangered Animals of California

Existing section 670.5 of title 14 includes Coho salmon south of San Francisco among the list of endangered fish in California. This regulatory action moves this boundary line up to Punta Gorda and adds Coho salmon north of Punta Gorda to the list of threatened fish in California.

Title 14
California Code of Regulations
AMEND: 670.5
Filed 02/28/05
Effective 03/30/05
Agency Contact: Robert Treanor (916) 653-4899

FISH AND GAME COMMISSION
Commercial Take of Rock Crab

This regulatory action establishes a permit requirement for the commercial take of rock crab beginning April 1, 2005, imposes a landing requirement of 500 pounds between January 1, 1998 and December 31, 2003 for the initial southern rock crab trap permit, and establishes a control date of January 1, 2003 for the purpose of considering a future restricted access southern rock crab fishery.

Title 14
California Code of Regulations
ADOPT: 125
Filed 02/28/05
Effective 02/28/05
Agency Contact: Sherrie Koell (916) 653-4899

FISH AND GAME COMMISSION
Cabazon Optimum Yield

This regulatory action amends the allowable catch for cabazon.

Title 14
California Code of Regulations
AMEND: 52.10, 150.16
Filed 03/01/05
Effective 03/31/05
Agency Contact: Tracy L. Reed (916) 653-4899

OFFICE OF EMERGENCY SERVICES
Hazardous Material Release Reporting

The Office of Emergency Services is amending the captioned sections providing an address change for the Chemical Emergency Planning and Response Commission and a new phone number for the Office of Emergency Services.

Title 19
California Code of Regulations
AMEND: 2703(d), 2705(b), 2705 (Emergency Release Follow-Up Notice Reporting Form Instructions)
Filed 03/01/05
Effective 03/01/05
Agency Contact:
Michael Warren (916) 845-8772

STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998—CCI

This emergency rulemaking amends the definition of "Class B Construction Cost Index."

Title 2
California Code of Regulations
AMEND: 1859.2
Filed 02/28/05
Effective 02/28/05
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998—Energy Efficiency

In this regulatory action, the State Allocation Board amends regulations under the Leroy F. Greene School Facilities Act of 1998 pertaining to new construction and modernization additional grants for energy efficiency.

Title 2
California Code of Regulations
AMEND: 1859.71.3, 1859.78.5
Filed 02/28/05
Effective 02/28/05
Agency Contact: Robert Young (916) 445-0083

STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998 and DMP

This regulatory action updates various forms.

Title 2
California Code of Regulations
AMEND: 1859.2
Filed 02/28/05
Effective 02/28/05
Agency Contact: Robert Young (916) 445-0083

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
Multi-Story AB 1631

This action amends provisions governing eligibility for the supplemental multistory construction grant in compliance with changes mandated by AB 1631 (Chap. 904, Stats. 2004).

Title 2

California Code of Regulations

AMEND: 1859.73.2, 1859.145.1

Filed 03/02/05

Effective 03/02/05

Agency Contact: Robert Young (916) 445-0083

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
Bond Accountability

In this rulemaking action, the State Allocation Board amends and adopts regulations under the Leroy F. Greene School Facilities Act of 1998, including adopting a regulation pertaining to local bond reimbursement fund releases and the amendment of the “Fund Release Authorization” form.

Title 2

California Code of Regulations

ADOPT: 1859.90.1 AMEND: 1859.2

Filed 02/23/05

Effective 02/23/05

Agency Contact: Robert Young (916) 445-0083

STATE PERSONNEL BOARD

Dismissed State Employees to Take Examination

This action concerns eligibility of dismissed employees to request participation in a state civil service examination. The action is exempt from the Administrative Procedure Act pursuant to Government Code section 18211 and 18213 and is submitted for filing with the Secretary of State and printing only.

Title 2

California Code of Regulations

AMEND: 211

Filed 02/24/05

Effective 02/24/05

Agency Contact:

Elizabeth Montoya (916) 654-0842

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 13, 2004
TO MARCH 2, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of

Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

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10/13/04 ADOPT: 1015, 1019, 1048, 1050
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03/02/05 AMEND: 1859.73.2, 1859.145.1
02/28/05 AMEND: 1859.2
02/28/05 AMEND: 1859.71.3, 1859.78.5
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02/24/05 AMEND: 211
02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2
02/15/05 AMEND: 1859.81
02/03/05 AMEND: 1859.106
02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2,
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01/31/05 AMEND: 1859.2, 1859.33, 1859.35,
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01/26/05 ADOPT: 20107
01/04/05 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943
01/03/05 ADOPT: Division 8, Chapter 108, Sec-
tion 59530.
12/31/04 AMEND: 18545
12/31/04 ADOPT: 18229
12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND:
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11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000
11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4,
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11/22/04 AMEND: 58700
11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5,
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11/10/04 ADOPT: 1859.163.1, 1859.163.2,
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11/09/04 AMEND: 18530.8
11/04/04 AMEND: 1859.71.2, 1859.78.4
11/02/04 AMEND: 1859.51, 1859.105

11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,
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02/28/05 AMEND: 3430(b)
02/24/05 AMEND: 1280.2
02/23/05 AMEND: 3423(b)
02/15/05 ADOPT: 4603(g)
02/02/05 AMEND: 3430(b)
01/21/05 ADOPT: 3700
01/21/05 AMEND: 3700 (b)(c)
01/14/05 AMEND: 3700(c)
01/13/05 AMEND: 3962(a)
12/20/04 REPEAL: 305, 306
11/29/04 AMEND: 3423(b)
11/17/04 AMEND: 1703.3
11/16/04 AMEND: Subchapter 1.1
11/10/04 AMEND: 3601(g)
11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
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10/25/04 AMEND: 3700(c)
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10/13/04 AMEND: 3700(b)

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11/29/04 AMEND: 1846.5
11/23/04 ADOPT: 2444 AMEND: 2241, 2242,
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11/08/04 ADOPT: 12360, 12370
10/18/04 ADOPT: 12270, 12271, 12272
10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102,
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10/13/04 AMEND: 1371

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02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,
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01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,
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01/10/05 ADOPT: 3088.1, 3088.2
12/08/04 ADOPT: 9517.1 AMEND: 9515, 9517
11/16/04 ADOPT: 80089.3, 80089.4
11/15/04 ADOPT: 6116, 6126 AMEND: 6100,
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11/09/04 ADOPT: 14105
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01/26/05 AMEND: 3456
01/26/05 AMEND: 5144
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12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
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12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,
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12/15/04 AMEND: 9789.11
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12/08/04 AMEND: 3210, 3212
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11/09/04 AMEND: 6777
11/03/04 AMEND: 1541(l)(1)
11/03/04 AMEND: 15220, 15220.1, 15220.3,
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02/09/05 AMEND: 260.165
01/14/05 AMEND: 2498.6
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,
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12/21/04 AMEND: 2498.4.9, 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5

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10/27/04 AMEND: 260.102.14

10/26/04 AMEND: 2498.4.9, 2498.5

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02/18/05 AMEND: 63.5

02/16/05 AMEND: 995.5

01/26/05 AMEND: 1080

01/19/05 ADOPT: 968.97, 968.99 AMEND:
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01/05/05 ADOPT: 51.22

01/03/05 AMEND: 26.4

01/03/05 AMEND: 51.17

12/07/04 AMEND: 51.16

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02/16/05 AMEND: 503(f)

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02/08/05 AMEND: 330.32

02/02/05 AMEND: 124.92, 124.93

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01/26/05 ADOPT: 15.07

01/07/05 AMEND: 1969

01/04/05 AMEND: 553.70

12/28/04 AMEND: 1

12/27/04 ADOPT: 1971

12/27/04 ADOPT: 150.06

12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4,
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12/22/04 ADOPT: 151.00
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12/15/04 ADOPT: 154.00
12/09/04 ADOPT: 423.00
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02/28/05 AMEND: 670.5
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12/22/04 ADOPT: 18456.2.1, 18460.2.1 AMEND:
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11/10/04 AMEND: 630
11/08/04 ADOPT: 3696.5
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10/21/04 AMEND: 300, 600
10/18/04 AMEND: 1682, 1682.1, 1683, 1683.1,
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01/31/05 ADOPT: 3436
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01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751
01/06/05 AMEND: 2000, 2400, 2403
12/30/04 AMEND: 3097
12/29/04 ADOPT: 3000 AMEND: 3005, 3044,
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01/24/05 AMEND: 1379.20
01/20/05 AMEND: 3008, 3031, 3041, 3042,
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11/22/04 ADOPT: 4144

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11/02/04 ADOPT: 1746

10/26/04 ADOPT: 4180, 4181, 4182, 4183, 4184

10/25/04 AMEND: 1379.26

10/22/04 ADOPT: 1382.6 AMEND: 1382.5

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01/13/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

01/06/05 AMEND: 94011

12/31/04 AMEND: 6508

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02/17/05 AMEND: 1045

02/16/05 AMEND: 1525.2

02/15/05 AMEND: 1525.3

02/08/05 AMEND: 1802

01/28/05 AMEND: 25130, 25137

01/13/05 AMEND: 1589

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01/06/05 AMEND: 1619

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01/04/05 AMEND: 5060, 5061, 5062, 5063, 5064

12/27/04 ADOPT: 4056.1

11/23/04 ADOPT: 19133

11/18/04 AMEND: 462.500

11/16/04 AMEND: 18001-1

11/12/04 AMEND: 1532

11/04/04 AMEND: 1610.2

11/02/04 AMEND: 1574

10/18/04 ADOPT: 136

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03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emergency Release Follow-Up Notice Reporting Form Instructions)

10/28/04 AMEND: 3.19

10/28/04 AMEND: 1.09, 3.24, 904.4, 1918.35, 1918.37 REPEAL: 1918.17

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02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3, 8.2, 14.5, 15, 17.1, 30, 31, 45, 47, 48, 51.1, 75, 77.2, 82, 86.2, 88

01/31/05 AMEND: 1345, 1347, 1348

Title 22

01/27/05 ADOPT: 51000.10.1, 51000.15.1, 51000.20.9, 51000.31, 51000.51, 51000.52, 51000.53, 51000.60 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000.35, 51000.40, 51000.45, 51000.50, 51000.55, 51051, 51451

01/13/05 AMEND: 66262.34, 66264.145, 66266.103, 66268.7, 66268.34, 66270.60, 66271.33, 67391.1

01/03/05 AMEND: 50960, 50961

12/27/04 AMEND: 12000

12/27/04 AMEND: 4402.2

12/27/04 AMEND: 66260.201, Appendix X to chapter 11

12/23/04 AMEND: 12705, 12805

12/02/04 ADOPT: 3254-4 AMEND: 2712-1, 2712-2, 3253-1, 3254-2

11/12/04 AMEND: 70217

11/09/04 ADOPT: 3261-1, 3262-2 AMEND: 3254-3, 3258-1, 3258-2, 3260-1, 3262-1

10/25/04 AMEND: 2051-3

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11/04/04 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8

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02/08/05 ADOPT: 3939.12

01/21/05 ADOPT: 3965

01/05/05 ADOPT: 3939.12

12/23/04 AMEND: 3978

12/13/04 ADOPT: 2916

12/03/04 ADOPT: 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428

11/29/04 AMEND: 2611

11/15/04 ADOPT: 3939.10

10/14/04 AMEND: 676, 791, 1062, 1064, 1066,
1074, 1077, 3833.1

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11/16/04 ADOPT: 3890, 3891, 3892, 3893, 3894,
3895 AMEND: 15110, 15185, 15290,
15400, 15400.3

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02/02/05 ADOPT: 1338.1, 1443.1 AMEND: 1338
11/01/04 AMEND: 7002, 7005, 7006, 7008, 7012,
7532, 7540, 7544, 7562

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12/13/04 AMEND: 21570
11/16/04 AMEND: 10017(b)
10/18/04 ADOPT: 21785

Title 28

02/03/05 AMEND: 1000
11/22/04 ADOPT: 22900, 22910, 22920, 22930,
22940, 22950
11/08/04 ADOPT: 1300.86
10/26/04 AMEND: 1300.51

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02/16/05 ADOPT: 31-503 AMEND: 31-206, 45-
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01/25/05 AMEND: 63-300, 63-504

12/27/04 ADOPT: 63-508, 63-509 AMEND: 63-
034, 63-102, 63-103, 63-300, 63-301,
63-410, 63-501, 63-503, 63-504, 63-505,
63-801, 63-804

12/24/04 ADOPT: 40-036 AMEND: 22-071, 22-
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40-119, 40-125, 40-131, 40-173, 40-181,
40-188, 40-190, 41-405, 42-209, 42-213,
42-221, 42-302, 42-406, 42-407, 42-716,
42-721, 42-751, 42-769, 44-101, 44-102,
44-111, 44-113, 44-115,

12/10/04 ADOPT: 30-501, 30-502, 30-503, 30-
504, 30-505, 30-506, 30-507, 30-900,
30-901, 30-902, 30-903, 30-904, 30-905,
30-906, 30-907, 30-908, 30-909, 30-910,
30-911, 30-912, 30-913, 30-914, 30-915,
30-916, 30-917, 30-918, 30-919, 30-920,
31-236 AMEND: 11-400,

